

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 18-35012
Murphy, Matthew and Betty Judge: Jerrold N. Poslusny
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 05/18/2019
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: AMC Initial Debtor: MM Initial Co-Debtor: BM

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 505.00 per month to the Chapter 13 Trustee, starting on June 1, 2018 for approximately 55 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 4,000.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint Servicing o/b/o Ditech	Debtors' home	\$5,128.16		\$5,128.16	\$1,275.00
JP Morgan Chase, NA	Debtor's home	\$322.77		\$322.77	\$117.16
Wells Fargo, N.A.	Debtor's home	\$5,398.12		\$5,398.12	\$50.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ally Financial	2011 Ford F150	\$807.15		\$807.15	\$340.40
GM Financial	2013 Hyundai Elantra	\$30.00		\$30.00	\$466.00

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
United States Department of Education Claims Filing Unit	Student loans	Paid outside plan	\$18,121.33
Cornerstone Education Loan Service	Student loans	Paid outside plan	\$12,852.32

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative costs - attorney's fees
- 3) Priority claims
- 4) Arrears on secured debt 5) GUC

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 04/24/2019.

Explain below **why** the plan is being modified:

To correct amount owed to various creditors, to note that US Dept of Ed (student loans) to be paid outside plan and make it 100% plan.

Explain below **how** the plan is being modified:

The amount owed to various creditors was updated and included student loan debt to be paid outside plan. Notation that it is 100% plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 05/18/2019

/s/ Matthew Murphy
Debtor

Date: 05/18/2019

/s/ Betty Murphy
Joint Debtor

Date: 05/18/2019

/s/ Andrew M. Carroll
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Matthew J Murphy
 Betty J Murphy
 Debtors

Case No. 18-35012-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 41

Date Rcvd: May 21, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2019.

db/jdb
 517977267 +Matthew J Murphy, Betty J Murphy, 614 Franklin Road, Mantua, NJ 08090-1230
 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: AmeriCredit Financial Services, Inc., dba GM Financial,
 P O Box 183853, Arlington, TX 76096)
 517935142 +Chase Hl, PO Box 15298, Wilmington, DE 19850-5298
 518049183 +Chase Records Center, Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
 Monroe LA 71203-4774
 517935145 +Cornerstone, Pob Box 145122, Salt Lake City, UT 84114-5122
 517935146 +DiTech Financial, 3000 Bayport Drive, Suite 8000, Tampa, FL 33607-8402
 517935147 +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
 517935148 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 518049184 JPMorgan Chase Bank NA, Mail Code: OH4-7164, Po Box 24785, Columbus OH 43224-0785
 517935153 +Merrick, 55 East Ames Ct, Plainview, NY 11803-2304
 518187783 +NewRez LLC DBA Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
 518187784 +NewRez LLC DBA Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0675,
 NewRez LLC DBA Shellpoint Mortgage Servi, P.O. Box 10826, Greenville, SC 29603-0826
 517935156 +Nj Heaa, 4 Quakerbridge Plaza, Trenton, NJ 08619-1241
 518066170 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON, WI, 53708-8973
 517935159 +Uheaa, Po Box 61047, Harrisburg, PA 17106-1047
 517935160 +Us Dept Of Ed/Glelsi, Po Box 7860, Madison, WI 53707-7860
 518047684 Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road,
 Eagan, MN 55121-7700

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov May 21 2019 23:57:58 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov May 21 2019 23:57:56 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517966699 E-mail/Text: ally@ebn.phinsolutions.com May 21 2019 23:57:06 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 517935140 +E-mail/Text: ally@ebn.phinsolutions.com May 21 2019 23:57:06 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 517947442 +E-mail/Text: bankruptcy@bbandt.com May 21 2019 23:57:28 BB&T, Bankruptcy Section,
 100-50-01-51, PO Box 1847, Wilson, NC 27894-1847
 517965414 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 22 2019 00:00:19
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 517935141 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 22 2019 00:00:19 Capitalone,
 15000 Capital One Dr, Richmond, VA 23238-1119
 517935143 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM May 21 2019 23:57:37 Comenity Bank/Womnwnthn,
 Po Box 182789, Columbus, OH 43218-2789
 517935144 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM May 21 2019 23:57:37 Comenitycb/Boscov,
 Po Box 182120, Columbus, OH 43218-2120
 518055866 E-mail/Text: bankruptcy.bnc@ditech.com May 21 2019 23:57:35 Ditech Financial LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154
 517964371 E-mail/Text: JCAP_BNC_Notices@jcap.com May 21 2019 23:58:08 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 517935150 E-mail/Text: bklcard@lendup.com May 21 2019 23:58:31 Lendup Card Services I,
 225 Bush St Ste 1100, San Francisco, CA 94104
 517996565 E-mail/PDF: resurgentbknofications@resurgent.com May 21 2019 23:59:59
 LVNV Funding LLC C/O Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517953078 E-mail/PDF: resurgentbknofications@resurgent.com May 22 2019 00:00:30 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517935151 +E-mail/PDF: resurgentbknofications@resurgent.com May 21 2019 23:59:59 Lvnv Funding Llc,
 Po Box 1269, Greenville, SC 29602-1269
 517967370 E-mail/Text: bkr@cardworks.com May 21 2019 23:56:56 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 517935154 +E-mail/Text: bkr@cardworks.com May 21 2019 23:56:56 Merrick Bank Corp, Po Box 9201,
 Old Bethpage, NY 11804-9001
 517935155 +E-mail/Text: bankruptcydpt@mcmcg.com May 21 2019 23:57:56 Midland Funding,
 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 518017248 +E-mail/Text: bankruptcydpt@mcmcg.com May 21 2019 23:57:56 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 518024354 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 22 2019 00:00:25
 Portfolio Recovery Associates, LLC, c/o Wal-mart, POB 41067, Norfolk VA 23541
 517935157 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 22 2019 00:00:23 Portfolio,
 120 Corporate Blvd, Ste 1, Norfolk, VA 23502-4952
 517935158 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 22 2019 00:00:56
 Portfolio Recov Assoc, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952
 518041301 E-mail/Text: bnc-quantum@quantum3group.com May 21 2019 23:57:51
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: May 21, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517936062 +E-mail/PDF: gecsed@recoverycorp.com May 22 2019 00:00:08 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518048133 JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
517935149 Kohls/Cap1
517935152 Mercury/Fb
517980789* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
P.O Box 183853, Arlington, TX 76096)
518040262* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, c/o Wal-mart, POB 41067,
Norfolk VA 23541)
TOTALS: 3, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 23, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 18, 2019 at the address(es) listed below:

Andrew M. Carroll on behalf of Joint Debtor Betty J Murphy AndrewCarrollEsq@gmail.com,
SouthJerseyBankruptcy@gmail.com
Andrew M. Carroll on behalf of Debtor Matthew J Murphy AndrewCarrollEsq@gmail.com,
SouthJerseyBankruptcy@gmail.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bankruptcy@feinsuch.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
TOTAL: 10